

**COMBINED DECLARATION FOR PATENT APPLICATION  
AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

## Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same

the specification of which (check one)  is attached hereto or  was filed on September 18, 2000 as Application Serial No. 09/665,350 and was amended on   (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate have a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

Priority Claimed  
Yes No

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Number	Country	Day/Month/Year Filed
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I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional applications(s) listed below:

See Attached Appendix A (Listing 62 U.S. Provisional Patent Applications)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States applications(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

See Attached Appendix B (Listing 29 PCT International Patent Applications)

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.



09157

PATENT TRADEMARK OFFICE

Ralph J. Gabric - Reg. No. 34,167  
Paul E. Rauch, Ph.D - Reg. No. 38,591  
K. Shannon Mrksich - Reg. No. 36,675  
Tom Wrona - Reg. No. is 44,410

Send correspondence to the following address:

Attn: Paul E. Rauch, Ph.D.  
Brinks, Hofer, Gilson & Lione  
NBC Tower - Suite 3600  
455 Cityfront Plaza Drive  
Chicago, IL 60611-5599  
Telephone: 312-321-4780

I hereby declare that all statements made herein of my own knowledge and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from his foreign patent agent as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

Full name of sole or first inventor

Avi Aspkenazi

Inventor's signature

Date

Residence  
1456 Tarrytown Street, San Mateo, CA 94402

Citizenship  
US

Post Office Address  
1 DNA Way  
South San Francisco, CA 94080

**2. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b)  
(Non-provisional )**

251 pages of specification  
8 pages of claims  
1 page(s) of abstract  
124 sheet(s) of drawings  
[X] formal  informal

**3. Declaration or Oath**

*(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)*  
— An executed declaration of the inventor(s)  is enclosed  will follow.

*(for Cont./Div. where inventorship is the same or inventor(s) being deleted)*  
X A copy of the executed declaration/oath filed in the prior application is enclosed  
(37 CFR 1.63(d)).

*(for Cont./Div. where inventor(s) being deleted)*  
— A signed statement is attached deleting inventor(s) named in the prior  
application (see 37 CFR 1.63(d)(2) and 1.33(b)).

**4. Assignment**

*(for new and CIP applications)*  
— An Assignment of the invention to GENENTECH, INC.  is enclosed with  
attached Recordation Form Cover Sheet  will follow.

*(for cont./div.)*  
X The prior application is assigned of record to Genentech, Inc.  
REEL/FRAME 011508/0761  
Recorded: 05/05/2001

**5. Amendments *(for continuation and divisional applications)***

— Cancel in this application original claims    of the prior application before calculating the filing  
fee. (At least one original independent claim must be retained for filing purposes.)

X A preliminary amendment is enclosed. (Claims added by this amendment have been  
properly numbered consecutively beginning with the number next following the highest  
numbered original claim in the prior application.)

**Relate Back -- 35 U.S.C. 120 or 35 U.S.C. 119**

X Amend the specification by inserting before the first line the sentence:

--This is a

   non-provisional application  
X continuation

\_\_\_\_ divisional  
\_\_\_\_ continuation-in-part

of applications

U.S. serial number 09/665,350, filed September 18, 2000, which applications are incorporated herein by reference and to which applications priority is claimed under 35 USC §120; and

International Application serial numbers: PCT/US98/18824 filed September 10, 1998; PCT/US98/19177 filed September 14, 1998; PCT/US98/19330 filed September 16, 1998; PCT/US98/19437 filed September 17, 1998; PCT/US98/25108 filed December 1, 1998; PCT/US99/20594 filed September 8, 1999; PCT/US99/20944 filed September 13, 1999; PCT/US99/21090 filed September 15, 1999; PCT/US99/21547 filed September 15, 1999; PCT/US99/23089 filed October 5, 1999; PCT/US99/28214 filed November 29, 1999; PCT/US99/28313 filed November 30, 1999; PCT/US99/28301 filed December 1, 1999; PCT/US99/28564 filed December 2, 1999; PCT/US99/28565 filed December 2, 1999; PCT/US99/30095 filed December 16, 1999; PCT/US99/30999 filed December 20, 1999; PCT/US99/30911 filed December 20, 1999; PCT/US00/00219 filed January 5, 2000; PCT/US00/03565 filed February 11, 2000; PCT/US00/04414 filed February 22, 2000; PCT/US00/05004 filed February 24, 2000; PCT/US00/05841 filed March 2, 2000; PCT/US00/07377 filed March 20, 2000; PCT/US00/08439 filed March 30, 2000; PCT/US00/14042 filed May 22, 2000; PCT/US00/15264 filed June 2, 2000; PCT/US00/20710 filed July 28, 2000; PCT/US00/23328 filed August 24, 2000, which designated the U.S., which applications are incorporated herein by reference and to which applications priority is claimed under 35 USC §120 and

provisional application serial numbers: 60/059115 filed September 17, 1997; 60/059184 filed September 17, 1997; 60/059122 filed September 17, 1997; 60/059117 filed September 17, 1997; 60/059113 filed September 17, 1997; 60/059121 filed September 17, 1997; 60/059119 filed September 17, 1997; 60/059263 filed September 18, 1997; 60/059266 filed September 18, 1997; 60/062125 filed October 15, 1997; 60/062287 filed October 17, 1997; 60/062285 filed October 17, 1997; 60/063486 filed October 21, 1997; 60/062816 filed October 24, 1997; 60/062814 filed October 24, 1997; 60/063127 filed October 24, 1997; 60/063120 filed October 24, 1997; 60/063121 filed October 24, 1997; 60/063045 filed October 24, 1997; 60/063128 filed October 24, 1997; 60/063329 filed October 27, 1997; 60/063327 filed October 27, 1997; 60/063549 filed October 28, 1997; 60/063541 filed October 28, 1997; 60/063550 filed October 28, 1997; 60/063542 filed October 28, 1997; 60/063544 filed October 28, 1997; 60/063564 filed October 28, 1997; 60/063734 filed October 29, 1997; 60/063738 filed October 29, 1997; 60/063704 filed October 29, 1997; 60/063435 filed October 29, 1997; 60/064215 filed October 29, 1997; 60/063735 filed October 29, 1997; 60/063732 filed October 29, 1997; 60/064103 filed October 31, 1997; 60/063870 filed October 31, 1997; 60/064248 filed November 3, 1997; 60/064809 filed November 7, 1997; 60/065186 filed November 12, 1997; 60/065846 filed November 17, 1997; 60/065693 filed November 18, 1997; 60/066120 filed November 21, 1997; 60/066364 filed November 21, 1997; 60/066772 filed November 24, 1997; 60/066466 filed November 24, 1997; 60/066770 filed November 24, 1997; 60/066511 filed November 24, 1997; 60/066453 filed November 24, 1997; 60/066840 filed November 25, 1997; 60/069,425 filed December 12, 1997; 60/088,026 filed June 4, 1998; 60/099,803 filed September 10, 1998; 60/100,262 filed September 14, 1998; 60/100,858 filed September 17, 1998; 60/104,080 filed October 13, 1998; 60/109,304 filed November 20, 1998; 60/113,296 filed December 22, 1998; 60/143,048 filed July 7, 1999; 60/145,698 filed July 26, 1999; 60/146,222 filed July 28, 1999, the entire disclosure of which is hereby incorporated by reference and to

which applications priority is claimed under 35 USC §119--.

**6. Fee Calculation (37 CFR 1.16)**

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$710.00
Total Claims	13	- 20 =	0	X \$18.00	\$0.00
Independent Claims	3	- 3 =	0	X \$80.00	\$0.00
<u>0</u>	Multiple dependent claim(s), if any			+ \$270.00	\$0.00
<b>Filing Fee Calculation</b>					<b>\$710.00</b>

**7. Method of Payment of Fees**

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$710.00. A duplicate copy of this transmittal is enclosed.

**8. Authorization to Charge Additional Fees**

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. A duplicate copy of this sheet is enclosed.

**9. Additional Papers Enclosed**

- Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449 and citations
- Submission of "Sequence Listing", computer readable copy, certificate re: sequence listing, and/or amendment pertaining thereto for biological invention containing nucleotide and/or amino acid sequence.
- A new Power of Attorney or authorization of agent.
- Other: Post card

**10. Maintenance of Copendency of Prior Application (for continuation and divisional applications)**

*[This item must be completed and the necessary papers filed in the prior application if the period set in the prior application has run]*

- \_\_\_\_\_ A petition, fee and/or response has been filed to extend the term in the pending prior application until
- \_\_\_\_\_ A copy of the petition for extension of time in the **prior** application is attached.

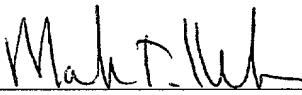
**11. Correspondence Address:**

X Address all future communications to:

Paul E. Rauch, Ph.D.  
Brinks, Hofer, Gilson & Lione  
NBC Tower - Suite 3600  
455 Cityfront Plaza Drive  
Chicago, IL 60611-5599  
Telephone: 312-321-4780

Respectfully submitted,  
GENENTECH, INC.

By:

  
Mark T. Kresnak, Ph.D.  
Reg. No. 42,767  
Telephone No. (650) 225-4461

Date: July 12, 2001



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PATENT TRADEMARK OFFICE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

J1046 U.S. PRO  
09/904766  
07/12/01



In re Application of:  Ashkenazi et al.  Serial No.: Not yet assigned  Filed: Herewith  For: <i>Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same</i>	Group Art Unit: Not yet assigned  Examiner: Not yet assigned
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**REQUEST TO USE COMPUTER READABLE FORM OF SEQUENCE LISTING  
FROM PARENT APPLICATION PURSUANT TO 37 C.F.R. § 1.821 (e)**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

The patent application filed herewith is a continuing application of currently pending application Serial No. 09/665,350, filed on September 18, 2000. The Sequence Listings in (a) the herewith filed patent application and (2) currently pending patent application Serial No. 09/665,350, filed on September 18, 2000, are identical. Therefore, pursuant to 37 C.F.R. § 1.821(e), Applicants respectfully request that the compliant computer readable form of the Sequence Listing filed on January 25, 2001 in parent application Serial No. 09/665,350 be used as the computer readable form for the herewith filed patent application. The paper copy of the Sequence Listing submitted herewith

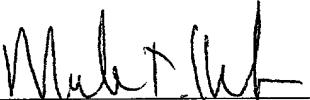
**Serial No.:** Not yet assigned

**Filed:** Herewith

is identical to that on the compliant computer readable form of the Sequence Listing filed on January 25, 2001 in parent application Serial No. 09/665,350.

Respectfully submitted,

GENENTECH, INC.

By: 

Mark T. Kresnak, Ph.D.

Reg. No. 42,767

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PATENT TRADEMARK OFFICE